

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

AMANDA SIM

(b) County of Residence of First Listed Plaintiff CHESTER
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

THOMAS R. WILSON, ESQUIRE, Thomas R. Wilson, LLC, 220
West Gay Street, West Chester, Pa. 19380 (484) 356-1910

DEFENDANTS

LFS & LPS, LTD; LARRY F. SANDER AND LAURA P.
SANDER; CHRIS SANDER; EDGAR BAEZ; MCDONALD'S

County of Residence of First Listed Defendant CHESTER
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

Title VII of Civil Rights Act of 1964 and PA Human Relations Act 43 P.S. Sec 951 et seq (PHRA)

Brief description of cause:

Discrimination; sexual harassment and assault

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE


Wilmington, Delaware 19805

JURY TRIAL DEMANDED

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()

- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

5/20/11
Date



Thomas R. Wilson, Esquire
Attorney for PLAINTIFF

THOMAS R. WILSON, LLC
220 West Gay Street
West Chester, Pa. 19380
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(Civ. 660) 10/02

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Amanda Sim, 203 Sussex Road, West Chester, Pa. 19380

Address of Defendant: LFS & LPS, LTD, 17 W. Miner Street, P.O. Box 660, West Chester, Pa. 19380-660

Place of Accident, Incident or Transaction: LFS & LPS, LTD., and McDonald's Corporation
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts

2. ☐ FELA

3. ☐ Jones Act-Personal Injury

4. ☐ Antitrust

5. ☐ Patent

6. ☐ Labor-Management Relations

7. ☒ Civil Rights

8. ☐ Habeas Corpus

9. ☐ Securities Act(s) Cases

10. ☐ Social Security Review Cases

11. ☐ All other Federal Question Cases

(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts

2. ☐ Airplane Personal Injury

3. ☐ Assault, Defamation

4. ☐ Marine Personal Injury

5. ☐ Motor Vehicle Personal Injury

6. ☐ Other Personal Injury (Please specify)

7. ☐ Products Liability

8. ☐ Products Liability — Asbestos

9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 5/20/11

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5/20/11

Attorney-at-Law

Attorney I.D.#

Edgar Baez, a 34-year-old sexual predator and offender who engaged in a course of criminal conduct against Plaintiff, including sexual harassment and sexual acts with Plaintiff, while she was a minor. Plaintiff notified Defendant's assistant manager, who was married to Defendant's manager. No action was taken by Defendant until March 10, 2009, when Defendant's manager, Edgar Baez, was arrested and fired by Defendant McDonald's. Following the arrest, Defendant's manager harassed and retaliated against Plaintiff by demeaning her and criticizing her to other employees and in public.

JURISDICTION AND VENUE

1. This action arises under Title VII of the Civil Rights Act of 1964, as amended, 42 USC 2000 et seq. (Title VII) and the Pennsylvania Human Relations Act, 43 P.S. §951 et seq. (PHRA). This court has jurisdiction of the subject matter of this action pursuant to 28 USC §1343 and 42 USC §2000 e 5(f)(3). Plaintiff also pleads supplemental claims under the laws of the Commonwealth of Pennsylvania for negligent hiring and supervision, infliction of emotional distress, and assault and battery pursuant to 28 USC §1367.

2. Venue is proper in this district under 28 U.S.C. § 1391(b), as Defendants conduct business in this district, and the events giving rise to the claims occurred in this district.

PARTIES

3. Plaintiff, Amanda Sim, is a citizen of the United States who resides at 203 Sussex Road, West Chester, PA 19380.

4. Defendant LFS & LPS, Ltd. is a Pennsylvania limited partnership which did or does business at McDonald's at Route 100 & Swedesford Road, in Exton PA 19341.

5. Larry F. Sander and Laura P. Sander Management Company is the general partner of LFS and LPS, Ltd., and is a Pennsylvania Corporation with its registered office at 17 West Miner Street, West Chester, PA 19380.

6. Chris Sander is the general manager at the McDonald's restaurant owned and franchised by LFS & LPS, LTD, Larry F. and Laura P. Sander Management Co. and McDonald's USA, whose address is 40 Meadow Lake Drive, Downingtown, Pa. 19335.

7. McDonald's Corporation is a Delaware Corporation with registered offices at 1013 Centre Road, Wilmington Delaware which franchised its name and business to Defendant LFS and LPS, Ltd and/or Defendant Larry F. and Laura Sander Management Company

8. Edgar Baez was an employee and was manager and/or supervisor at the McDonald's restaurant owned by and franchised by LFS and LPS, Ltd., Larry F. and Laura P. Sander Management Company and McDonald's USA whose last known address was 124 W. Maple Avenue, Coatesville, Pennsylvania 19320.

9. At all relevant times, Defendants Larry F. Sander, Laura P. Sander and McDonald's were an employer (collectively hereafter "McDonald's"), as defined by 42 USC 2000 e(b) and 43 P.S. 954, doing business in this state.

10. At all relevant times, Plaintiff was an employee as defined by Title VII and the Pennsylvania Human Relations Act, working in this state.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. Plaintiff filed a complaint with the Pennsylvania Human Rights Commission (PHRC) regarding the events giving rise to this matter, which complaint was cross-filed with the Equal Employee Opportunity Commission (EEOC) on September 30, 2009.

12. The PHRC issued a right to sue on April 13, 2011.

13. The EEOC issued a right to sue on April 26, 2011. This action was commenced more than 60 days after the charge was filed, and less than 90 days after Sim received a Notice of Right to Sue from the EEOC.

FACTS

14. At all times relevant hereto, Plaintiff was a minor, 16 years of age, with special mental and/or emotional needs, all facts which were known, or should have been known, to Defendant McDonald's.

15. Plaintiff received inadequate or no training from Defendants regarding her right to work in an environment free from sexual harassment and free from retaliation for complaining about sexual harassment.

16. Plaintiff received late or inadequate notice of how and to whom she should complain about sexual harassment while employed by Defendants.

17. Defendants did inadequate background checks (or no background checks) for its employee, manager/supervisor Edgar Baez, age 34, before placing Plaintiff under his supervision and/or control.

18. As Plaintiff's manager/supervisor, Baez had authority and control over the terms and conditions of Plaintiff's employment.

19. At all times relevant hereto, Defendant employee, manager/supervisor Edgar Baez, was an undocumented alien working without proper immigration status.

20. Plaintiff began employment with McDonald's on or about July 2007, at the age of 16.

21. Shortly thereafter, and continuing through to his arrest, Baez began to sexually harass Plaintiff while she was under his supervision.

22. Specifically, Baez made overt sexual comments directed to Plaintiff, and engaged in a pattern of escalating physical contact, culminating in sexual intercourse while on the employer's premises.

23. When Plaintiff made it clear to Baez that his conduct was unwelcome, he gave her a punitive work assignment, and otherwise defamed her to defendant Chris Sander.

24. Baez instructed Plaintiff not to tell anyone about his conduct, as it could get him in trouble.

25. Although initially fearful, Plaintiff did complain about Baez's conduct to defendant assistant manager, Laura Sander.

26. Despite the complaints, no action was taken against Baez, and his harassing conduct continued.

27. Plaintiff feared for her safety when she had to work with Baez alone.

28. Plaintiff finally notified Chris Sander about Baez's conduct.

29. Baez was terminated following his arrest in March, 2009.

30. Following the arrest, Defendant's manager, Chris Sander, retaliated against Plaintiff for her complaints of sexual harassment by demeaning her and criticizing her to other employees and in public.

31. Specifically, Sander continuously referred to Baez as Plaintiff's "boyfriend" and referred to Plaintiff as a "slut" and a "whore", telling her that she "asked for it."

32. As a result of Sander's retaliatory conduct, Plaintiff was constructively discharged in or about August 21, 2009.

33. On August 26, 2009, Defendant employee, manager/supervisor Edgar Baez, pled guilty and was sentenced to prison for 6 to 23 months for endangering the welfare of a minor and for corrupting the morals of a minor (Plaintiff).

34. As a result of the events above described, Plaintiff was sexually assaulted and suffered physical and emotional harm, including anxiety, depression, sleeplessness, lowered self esteem, and emotional upset.

35. As a result of the events above described, Plaintiff suffered loss of income and personal and public humiliation.

36. As a result of the events above described, Plaintiff seeks damages in excess of \$150,000.

37. Defendants' acts above described directly and indirectly were performed in willful, reckless, or knowing disregard of their duties to an employee under Title VII and the Pennsylvania Human Relations Act.

COUNT I
DISCRIMINATION IN VIOLATION OF TITLE VII

38. Plaintiff incorporates paragraphs 1 through 37 by reference as if set forth at length.

39. Plaintiff was subjected to severe and/or pervasive unwelcome sexual harassment by Defendants which created a hostile work environment.

40. By intentionally, willfully, and deliberately failing to take reasonable steps to protect Plaintiff from, and condoning gender-based harassment by, employee, manager/supervisor Edgar Baez, against Plaintiff, Defendants are in violation of Title VII.

41. By intentionally, willfully and deliberately subjecting Plaintiff to ridicule and harassment that was incident and gender based by manager Chris Sander against Plaintiff, Defendants are in violation of Title VII.

WHEREFORE, Plaintiff prays for the following relief:

- a. Order Defendants to reinstate Plaintiff to the position which she would have had if she had not been the victim of discrimination, together with all compensation, benefits, and job opportunities incident thereto;
- b. Order Defendants to compensate Plaintiff for the full value of compensation and benefits she would have received had she not been the victim of discrimination and retaliation;
- c. Enter a judgment in favor of Plaintiff and against Defendants for compensatory and punitive damages under Title VI;
- d. Enter a permanent injunction enjoining Defendants from discriminating against Plaintiff in any manner that violates Title VII;
- e. Order Defendants to pay Plaintiff the costs and expenses of this litigation, including reasonable attorneys' fees; and,
- f. Grant Plaintiff such further legal and equitable relief as the Court may deem just and proper.

COUNT II
DISCRIMINATION IN VIOLATION OF P.H.R.A.

42. Plaintiff incorporates as if fully stated the allegations of the preceding paragraphs.

43. By intentionally, willfully, and deliberately failing to take reasonable steps to protect Plaintiff from, and thereby condoning, gender-based harassment by employee, manager/supervisor Edgar Baez, against Plaintiff, Defendants are in violation of PHRA.

44. By intentionally, willfully and deliberately subjecting Plaintiff to ridicule and harassment that was incident and gender based by manager Chris Sanders against Plaintiff, Defendants are in violation of PHRA.

WHEREFORE, Plaintiff prays for the following relief:

- a. Order Defendants to reinstate Plaintiff to the position which she would have had if she had not been the victim of discrimination, together with all compensation, benefits, and job opportunities incident thereto;
- b. Order Defendants to compensate Plaintiff for the full value of compensation and benefits she would have received had she not been the victim of discrimination and retaliation;
- c. Enter a judgment in favor of Plaintiff and against Defendants for compensatory damages under PHRA;
- d. Enter a permanent injunction enjoining Defendants from discriminating against Plaintiff in any manner that violates the PHRA;
- e. Order Defendants to pay Plaintiff the costs and expenses of this litigation, including reasonable attorneys' fees; and,
- f. Grant Plaintiff such further legal and equitable relief as the Court may deem just and proper.

COUNT III
RETALIATION IN VIOLATION OF TITLE VII

45. Plaintiff incorporates as if fully stated the allegations of the preceding paragraphs.
46. Plaintiff engaged in protected activity when she complained about sexual harassment to Defendant Employer.
47. Defendant Employer retaliated against Plaintiff by creating a hostile environment, in violation of Title VII.
48. The retaliatory conduct was causally connected to Plaintiff's complaint.

WHEREFORE, Plaintiff prays for the following relief:

- a. Order Defendants to reinstate Plaintiff to the position which she would have had if she had not been the victim of discrimination, together with all compensation, benefits, and job opportunities incident thereto;
- b. Order Defendants to compensate Plaintiff for the full value of compensation and benefits she would have received had she not been the victim of discrimination and retaliation;
- c. Enter a judgment in favor of Plaintiff and against Defendants for compensatory and punitive damages under Title VI;
- d. Enter a permanent injunction enjoining Defendants from discriminating against Plaintiff in any manner that violates Title VII;
- e. Order Defendants to pay Plaintiff the costs and expenses of this litigation, including reasonable attorneys' fees; and,
- f. Grant Plaintiff such further legal and equitable relief as the Court may deem just and proper.

COUNT IV
RETALIATION IN VIOLATION OF P. H. R. A.

49. Plaintiff incorporates as if fully stated the allegations of the preceding paragraphs.
50. Plaintiff engaged in protected activity when she complained about sexual harassment to Defendant Employer.
51. Defendant Employer retaliated against Plaintiff by creating a hostile environment, in violation of the PHRA.
52. The retaliatory conduct was casually connected to Plaintiff's complain.

WHEREFORE, Plaintiff prays for the following relief:

- a. Order Defendants to reinstate Plaintiff to the position which she would have had if she had not been the victim of discrimination, together with all compensation, benefits, and job opportunities incident thereto;
- b. Order Defendants to compensate Plaintiff for the full value of compensation and benefits she would have received had she not been the victim of discrimination and retaliation;
- c. Enter a judgment in favor of Plaintiff and against Defendants for compensatory damages under PHRA;
- d. Enter a permanent injunction enjoining Defendants from discriminating against Plaintiff in any manner that violates PHRA;
- e. Order Defendants to pay Plaintiff the costs and expenses of this litigation, including reasonable attorneys' fees; and,
- f. Grant Plaintiff such further legal and equitable relief as the Court may deem just and proper.

COUNT V
NEGLIGENT HIRING AND NEGLIGENT SUPERVISION

- 53. Plaintiff incorporates as if fully stated the allegations of the preceding paragraphs.
- 54. Defendants and Defendant McDonald's knowingly employs minors and places them under the direct control and supervision of older adult employees, managers, and supervisors.
- 55. Defendants and Defendants know, or should know, that persons under the age of majority are impressionable and susceptible to corrupt influences that adults can resist.
- 56. Defendants and Defendant, McDonald's had a duty to Plaintiff and to other minor employees to secure a safe working environment for them by screening the adult employees who manage and/or supervise them and by implementing education, supervision, and reporting

policies and protocols to minimize the prospect that a minor would be subjected to an adult predator.

57. Defendants and Defendant McDonald's failure to properly screen and/or to supervise its employee, manager/supervisor Edgar Baez, placed Plaintiff in a foreseeable position of unreasonable risk.

58. Defendants and Defendant McDonald's failed to educate, supervise, or otherwise protect Plaintiff as a minor and as a special education student from Plaintiff's employee, manager/supervisor Edgar Baez, who was a sexual predator.

59. Plaintiff believes and therefore avers that Defendants and Defendant McDonald's actions and inactions regarding the protection of the minor Plaintiff fell below standards in the industry. As a result of Defendants and Defendant McDonald's failures, minor Plaintiff suffered the above-described injuries.

WHEREFORE, Plaintiff prays for the following relief:

- a. The award of compensation and punitive damages in excess of \$150,000; and
- b. The award of the costs and expenses of this litigation.

COUNT VI
INFLECTION OF EMOTIONAL DISTRESS

60. Plaintiff incorporates as if fully stated the allegations of the preceding paragraphs.

61. The actions of Defendants and Defendant McDonald's, by and through its agent and manager, Chris Sander, in ridiculing Plaintiff and subjecting her to harassment after the arrest of employee, manager/supervisor Edgar Baez, were either intentional or unintentional and were made recklessly.

62. Plaintiff was humiliated and embarrassed by Defendants' and Defendant McDonald's manager's actions.

WHEREFORE, Plaintiff prays for the following relief:

- a. The award of compensation and punitive damages in excess of \$150,000; and
- b. The award of the costs and expenses of this litigation.

COUNT VII
ASSAULT AND BATTERY

63. Plaintiff incorporates as if fully stated the allegations of the preceding paragraphs.

64. Defendant, employee-manager-supervisor Edgar Baez, assaulted Plaintiff on several occasions.

65. Defendants and Defendant McDonald's knew, or should have known, of the actions of Edgar Baez.

66. Defendants and Defendant McDonald's knew, or should have known, of the propensities of Edgar Baez for sexual assault and sexual harassment of minor Plaintiff.

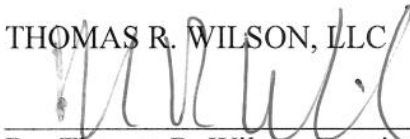
67. Defendants and Defendant Edgar Baez placed minor Plaintiff in apprehension of harmful or offensive contact on several occasions.

WHEREFORE, Plaintiff prays for the following relief:

- a. The award of compensation and punitive damages in excess of \$150,000; and
- b. The award of the costs and expenses of this litigation.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all counts of this complaint for which such trial is available.

THOMAS R. WILSON, LLC

By: Thomas R. Wilson, Esquire L.D. 17513
220 West Gay Street
West Chester PA 19380
(484) 356-1910